

REMARKS

Claims 1-24 are pending in the present application. Claims 1, 2, 9, 10, 17 and 18 are amended. Claims 1, 9 and 17 stand rejected under 35 U.S.C. § 103(a) over Applicants' admitted prior art ("AAPA") in view of U.S. Patent No. 5,434,852 to La Porta et al. ("La Porta"). Claims 2-8, 10-16 and 18-24 are rejected under 35 U.S.C. § 103(a) over AAPA in view of La Porta and further in view of U.S. Patent No. 6,909,690 to Xu et al. ("Xu" – n.b. the patent number was incorrectly listed in the Office Action as 6,909,609). Applicants traverse and respectfully request reconsideration and withdrawal of the rejections thereto.

Among the limitations recited in independent claims 1 and 9 that are neither disclosed nor suggested in the art of record is the limitation of a "resource management means for managing resources of the user data processor means, the resource management means being provided in the user data processing means." Similarly, independent claim 17 recites: "the user data processing means managing resources of the user-data processing means." These limitations were rejected in the Office Action by the combination of La Porta and AAPA. The cited portions of AAPA, paragraphs [0004] to [0006] of Applicant's specification, and La Porta do not teach the above-recited limitations.

In particular, the Office Action alleges that La Porta, col. 2, ll. 9-15 purportedly shows an architecture where resource management means are provided in the user data processing means. La Porta describes "a distributed, server based communications network architecture in which various traditional call processing functions, such as switching fabric or channel control, call control, connection control are separated into distinct application processes with clearly defined interfaces for communications between these application processes." At the outset, connection control and call control functions are not user data processing functions. *See* La Porta, col. 4, ll. 56-61 and col. 5, ll. 11-20. La Porta discloses that "[f]unctions related to channel control include a) management of resources such as, VPCIs and VCIs, on a link by link basis, and b) entries and updates of VCI translation table data that are needed to interconnect channels that are part of a connection." Management of these resources are on a link-by-link basis, and as such, must be strictly managed.

However, the Office Action does not provide a citation to La Porta that teaches such resource management is maintained in or by “the user data processing means,” as recited in independent claims 1, 9 and 17. The Office Action is notably silent as to where such resource management functions are performed. La Porta simply states that application processes may be implemented in separate physical or logically partitioned nodes – *i.e.*, in a distributed architecture. The mere fact that the application functions can be separated does not teach “resource management means being provided *in* the user data processing means,” or “*by* the user data processing means” as required by the independent claims. For at least this additional reason, independent claims 1, 9 and 17 are believed to be in condition for allowance.

Claims 2-8, 10-16 and 18-24 depend from claims 1, 9 and 17 and incorporate by reference the limitations found therein, and therefore are allowable for the same reasons. In addition, these claims recite additional limitations which, in combination with the limitations of the independent claims from which they depend, are not disclosed or suggested in the art of record.

For example, among the limitations recited in claims 2, 10 and 18 and that are neither disclosed nor suggested in the art of record are the requirements that the resource management means “manages at least an available resource ratio indicating a ratio of remaining bands and the number of remaining sessions relative to band resources and to number-of-sessions resources respectively of the user data processing means.” Paragraph 12 of the Office Action admits that AAPA and La Porta do not explicitly teach this limitation. Xu fails to cure.

Xu teaches that a call is admitted if the total effective bandwidth required by adding an incoming call is less than the provisioned bandwidth of the communication path. *See* Xu, col. 7, ll. 10-20. This is not the claimed available resource ratio, *i.e.*, a ratio of remaining bandwidth relative to bandwidth resources of the user data processing means. Instead, it is a measure of whether the incremental bandwidth of the additional call will consume the bandwidth allocated under a customer service agreement, *i.e.*, the amount of bandwidth that the customer is permitted to use, not what the equipment is capable of handling. *See* Xu, col. 7, ll. 14-15. In the absence of disclosing these claimed limitations, Xu cannot render independent claims 1, 9 and 17 obvious.

In view of the above remarks, Applicants believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: May 16, 2008

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